

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
STATE of NEW YORK, STATE of ILLINOIS, STATE of  
MARYLAND, STATE of WASHINGTON, :

Plaintiffs,

: 07-CV-8621 (PAC) (RLE)

- against -

UNITED STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES,

: **MOTION FOR ADMISSION**  
: **TO PRACTICE, *PRO HAC***  
: ***VICE***

Defendant.

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Pursuant to Rule 1.3 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, John M. Schwartz, an Assistant Attorney General for the State of New York, and a member in good standing of the bar of this Court, upon my accompanying declaration and the annexed certificates of good standing, hereby move for an Order admitting to practice before the Court pro hac vice to represent the State of Maryland:

JOEL LEWIS TORNARI  
Assistant Attorney General  
Office of the Attorney General  
Dep't of Health and Mental Hygiene  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201  
Tel: (410) 767-1861  
Fax: (410) 333-5409

and

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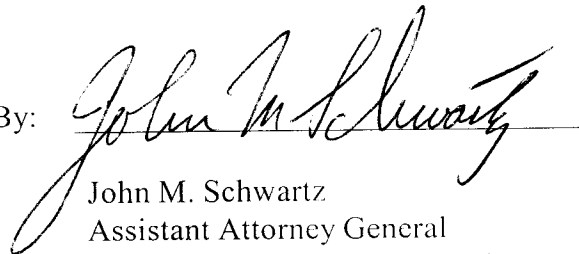
LORIE ANN MAYORGA  
Assistant Attorney General  
Office of the Attorney General  
Dep't of Health and Mental Hygiene  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201  
Tel: (410) 767-1861  
Fax: (410) 333-5409

Mr. Tornari is a member in good standing of the Bar of the State of Maryland and Ms. Mayorga is a member in good standing of the Bars of the States of Maryland and New York and the District of Columbia. There are no pending disciplinary proceedings against either Mr. Tornari or Ms. Mayorga in any State or Federal court.

Dated: February 1, 2008  
New York, New York

FOR PLAINTIFF STATE OF NEW YORK  
ANDREW M. CUOMO  
Attorney General

By:

A handwritten signature in black ink, appearing to read "John M. Schwartz", is written over a horizontal line.

John M. Schwartz  
Assistant Attorney General  
Office of the Attorney General  
120 Broadway, 24th Floor  
New York, New York, 10271  
(212) 416-8559

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STATE of NEW YORK, STATE of ILLINOIS, STATE of  
MARYLAND, STATE of WASHINGTON, :

Plaintiffs, :

- against - :

UNITED STATES DEPARTMENT OF HEALTH AND :  
HUMAN SERVICES, :

Defendant.

----- X  
**DECLARATION OF JOHN M. SCHWARTZ IN SUPPORT OF  
MOTION FOR ADMISSION TO PRACTICE, *PRO HAC VICE***

I, John M. Schwartz, declare as follows:

1. I am a member in good standing of the bar of the State of New York, an attorney admitted to practice before the United States District Court for the Southern District of New York, and an Assistant Attorney General for the State of New York. I make this declaration in support of the motion, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, to admit Joel Lewis Tornari and Lorie Ann Mayorga to practice before this Court *pro hac vice* to represent the State of Maryland in this action.

2. Mr. Tornari is admitted to practice law in the State of Maryland by that State's Court of Appeals, and is a member in good standing of that Court. He is an Assistant Attorney General in the office of Douglas F. Gansler, Attorney General of the State of Maryland. I

believe Mr. Tornari to be of good character, and am unaware of any reason why this motion should not be granted.

3. Ms. Mayorga is admitted to practice law in the State of Maryland by that State's Court of Appeals, and is a member in good standing of that Court. She is also a member in good standing of the bars of the State of New York and the District of Columbia. She is an Assistant Attorney General in the office of Douglas F. Gansler, Attorney General of the State of Maryland. I believe Ms. Mayorga to be of good character, and am unaware of any reason why this motion should not be granted.

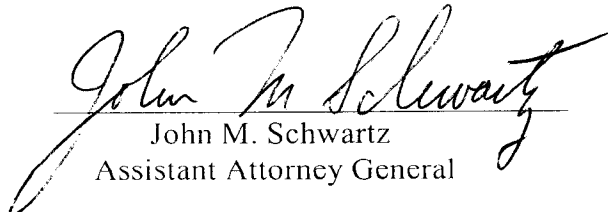
4. As required by Local Rule 1.3(d), I attach as Exhibit A a certificate of good standing for Joel Lewis Tornari from the Court of Appeals of Maryland, and as Exhibit B certificates of good standing for Lorie Ann Mayorga from the Court of Appeals of Maryland, the Appellate Division of the State of New York and the District of Columbia Court of Appeals.

5. Together with the filing of these papers, we are delivering to the Clerk of the Court checks for the fees required for admission *pro hac vice* for both Mr. Tornari and Ms. Mayorga.

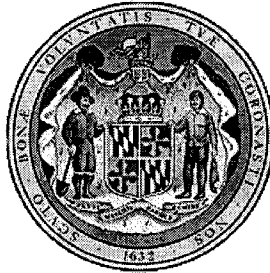
6. I respectfully request that our motion for admissions *pro hac vice* be granted as to both Mr. Tornari and Ms. Mayorga.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 31, 2008  
New York, New York

  
John M. Schwartz  
Assistant Attorney General

**Court of Appeals  
of Maryland  
Annapolis, MD**



**CERTIFICATE OF GOOD STANDING**

STATE OF MARYLAND, ss:

*I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the fifteenth day of December, 1994,*

**Joel Lewis Tornari**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

**In Testimony Whereof,** *I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
seventeenth day of January, 2008.*

  
Clerk of the Court of Appeals of Maryland

**Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department**

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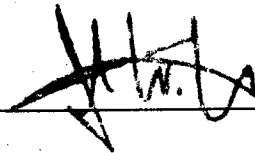
I, John M. McConnell, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**LORIE ANN MAYORGA**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on the 8th day of June, 1993 has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

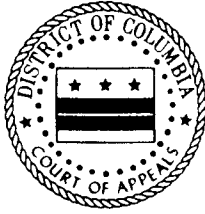
In Witness Whereof, I have hereunto set my  
hand and affixed the seal of this court on

January 18, 2008



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Clerk of the Court



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

Lorie A. Mayorga

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was on the 2<sup>nd</sup> day of February, 1999

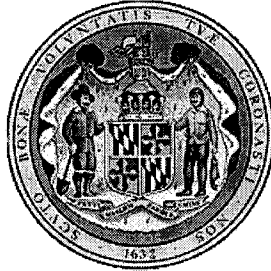
duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on January 17, 2008.

GARLAND PINKSTON, JR., CLERK

By: *[Signature]*  
Deputy Clerk

**Court of Appeals  
of Maryland  
Annapolis, MD**



***CERTIFICATE OF GOOD STANDING***

STATE OF MARYLAND, ss:

I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the twelfth day of December, 2005,

**Lorie Ann Mayorga**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

**In Testimony Whereof,** I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
seventeenth day of January, 2008.

*Alexander L. Cummings*

Clerk of the Court of Appeals of Maryland



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STATE of NEW YORK, STATE of ILLINOIS, STATE of  
MARYLAND, STATE of WASHINGTON, :

Plaintiffs, : 07-CV-8621 (PAC) (RLE)

- against - :

UNITED STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES,

**DECLARATION OF  
SERVICE**

Defendant.

----- x  
  
I, John M. Schwartz, declare pursuant to 28 U.S.C. § 1746, that I am employed as an Assistant Attorney General in the offices of Andrew M. Cuomo, Attorney General of the State of New York, attorney for plaintiff State of New York in this action. On January 31, 2008, I served the annexed Motion for Admission to Practice, *Pro Hac Vice*; Declaration of John M. Schwartz in Support of Motion for Admission to Practice, *Pro Hac Vice*; and, [Proposed] Order for Admission to Practice, *Pro Hac Vice* on defendant United States Department of Health and Human Services by mailing true and correct copies to:

Hon. Michael J. Garcia  
United States Attorney  
U.S. Attorney's Office, Southern District of New York  
Civil Division  
86 Chambers Street  
New York, New York 10007

and by e-mailing true and correct copies to:

Karen Konieczny, Esq.  
Assistant Attorney General  
Office of the Illinois Attorney General

160 North LaSalle Street, Suite N1000  
Chicago, Illinois 60601  
[karen.konieczny@illinois.gov](mailto:karen.konieczny@illinois.gov)

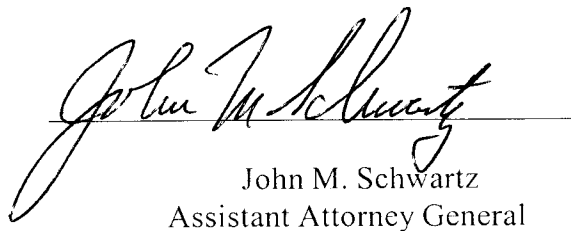
William L. Williams, Esq.  
Senior Assistant Attorney General  
Office of the Attorney General  
7141 Clearwater Dr. SW  
P.O. Box 40124  
[billw@atg.wa.gov](mailto:billw@atg.wa.gov)

Joel Tornari, Esq.  
Office of the Attorney General  
Dep't of Health and Mental Hygiene  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201  
[jtornari@dnhmh.state.md.us](mailto:jtornari@dnhmh.state.md.us)

Lorie A. Mayorga, Esq.  
Office of the Attorney General  
Dep't of Health and Mental Hygiene  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201  
[lmayorga@dnhmh.state.md.us](mailto:lmayorga@dnhmh.state.md.us)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 1, 2008  
New York, New York



John M. Schwartz  
Assistant Attorney General

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STATE of NEW YORK, STATE of ILLINOIS, STATE of  
MARYLAND, STATE of WASHINGTON,

Plaintiffs, : 07-CV-8621 (PAC) (RLE)

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UNITED STATES DEPARTMENT OF HEALTH AND : **[PROPOSED] ORDER FOR**  
HUMAN SERVICES, : **ADMISSION TO PRACTICE,**  
: ***PRO HAC***  
: ***VICE***

Defendant.

----- x

Upon the motion of John M. Schwartz, an Assistant Attorney General in the offices of  
Attorney General Andrew M. Cuomo, attorney for the State of New York in this action, and  
Mr. Schwartz's declaration in support,

IT IS HEREBY ORDERED that

JOEL LEWIS TORNARI  
Assistant Attorney General  
Office of the Attorney General  
Dep't of Health and Mental Hygiene  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201  
Tel: (410) 767-1861  
Fax: (410) 333-5409  
e-mail: jtornari@dnhmh.state.md.us

and

LORIE ANN MAYORGA  
Assistant Attorney General  
Office of the Attorney General  
Dep't of Health and Mental Hygiene  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201  
Tel: (410) 767-1861

Fax: (410) 333-5409  
e-mail: lmayorga@dhhm.state.md.us

are admitted to practice pro hac vice as counsel for the State of Maryland in this action in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. This action has been assigned to the Electronic Case Filing System (ECF), so counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to Clerk of Court.

Dated: February , 2008  
New York, New York

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United States District Judge